

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

ROBERT LOGAN MICHAEL,

Plaintiff,

v.

CIVIL ACTION NO. 2:24-cv-00064

PAMELA GIVENS and
SANDRA MAY

Nurse, Mt. Olive Correctional and

SHIRLEY HAMRICK

Director of Nursing, Mt. Olive Correctional and

DANIEL E. CONN

CEO, Wexford Health Services and

WEXFORD HEALTH SOURCES, INC.,

Defendants.

ORDER

Pending are Defendants Wexford Health Sources, Inc. and Daniel E. Conn's Motion to Dismiss Complaint [Doc. 17], filed April 30, 2024, Defendants Shirley Hamrick, Sandra May, and Pamela Givens' Motion to Dismiss [Doc. 21], filed May 6, 2024, and Plaintiff Robert Logan Michael's Letter-Form Motion to Amend Complaint [Doc. 38], filed March 6, 2025. This action was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Tinsley filed his PF&R on February 24, 2025. [Doc. 37]. Magistrate Judge Tinsley recommended that the Court deny Defendants' Motions to Dismiss, deny Plaintiff's request for preliminary injunctive relief, and grant the Plaintiff leave to file an amended complaint.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation

to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner’s right to appeal the Court’s order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on March 13, 2025. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 37**], **DENIES** the Motions to Dismiss **WITHOUT PREJUDICE** [**Docs. 17, 21**], **DENIES** Plaintiff’s request for preliminary injunctive relief made in his Complaint [**Doc. 2 at 15**] and additional memorandum [**Doc. 7**], and **GRANTS** Plaintiff Leave to file an amended complaint within 30 days of the entry of this Order. Therefore, Mr. Michael’s Motion to Amend [**Doc. 38**] is **GRANTED**. The Court **ORDERS** the matter be **REFERRED** anew to Magistrate Judge Tinsley under the terms of the original referral order.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: March 14, 2025



Frank W. Volk
 Frank W. Volk
 Chief United States District Judge